

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/937,122	DRENT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hector M Reyes	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included  
with (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS  
NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative  
of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to 12/4/03.

The allowed claim(s) is/are 1-10 and 14-23, renumbered as 1-20.

The drawings filed on \_\_\_\_\_ are accepted by the Examiner.

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

(a)  The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Aplicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted above. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
    1)  hereto or 2)  to Paper No. \_\_\_\_\_.

(b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.

(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No. \_\_\_\_\_
- Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413), Paper No. \_\_\_\_\_.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald F. Haas on 1/20/04.

**In the Claims:**

**Please cancel claims 11, 12 and 13.**

**Status of The Claims**

Claims 1, 3, 5-10 have been amended. Claims 11-13 are hereby canceled via Examiner's Amendment. New claims 14-23 have been added. Currently, claims 1-10 and 14-23 are under Examination. Examiner has renumbered the said claims as 1-20.

**Allowance**

The following is an examiner's statement of reasons for allowance.

In renumbered claims 1-20, Applicants claim a process for the carbonylation of conjugated dienes comprising carbon monoxide, a hydroxyl compound and a catalyst system including:

- A palladium salt
- A phosphorus-containing ligand and

- A protonic acid having a pKa value of greater than 1, wherein the phosphorus containing ligand is particularly described in claim 1.

No prior art disclosing or suggesting the instant invention was found. The closest art relevant to Applicant's instant invention was found in US patents:

- Drent, 5028734
- Sielcken et al, 5495041
- Agterberg et al, 5672732 and
- Tsai et al, 6010975

The cited patents disclose carbonylation processes of conjugated dienes comprising a catalyst containing palladium and carbon monoxide. None of the cited references, however disclosed or suggest the particular catalyst system as described in the instant Application.

### **CONCLUSION**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

All post-Allowance Correspondence concerning this Application must be mailed to:

**BOX ISSUE FEE  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231**

Or you can fax them to the Office of Patent Publications at 703-308-5083, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312;

information disclosure statements, and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027.

Héctor M. Reyes, PhD JD  
Reg. # 54846  
AU 1625  
January 20, 2004



PAUL J. KILLOS  
PRIMARY EXAMINER